

BILL NO. G-67-09-22 (Amended)

GENERAL ORDINANCE NO. G- 107-67

AN ORDINANCE declaring that public acquisition of the urban mass transportation system of Fort Wayne Transit, Inc. is in the public interest of the City of Fort Wayne and providing for the creation of a Public Transportation Corporation, including specifying the number of its Board of Directors and setting forth its boundaries.

WHEREAS, by letter, dated August 23, 1966, the management of Fort Wayne Transit, Inc. (hereinafter referred to as "Transit") requested the Common Council of the City of Fort Wayne, Indiana, to determine whether the public is to acquire the urban mass transportation system of Transit (hereinafter referred to as "Transit System");

WHEREAS, the Common Council, upon receipt of such request, caused to be made by Day & Zimmerman, Inc. of Philadelphia, Pennsylvania, studies to determine whether it is in the public interest that the public acquire the Transit System;

WHEREAS, said Day & Zimmerman, Inc., on August 1, 1967, submitted to the Common Council its report (P.O. No. 6997) on such studies, and the Common Council has now completed its studies to determine whether it is in the public interest that the public acquire the Transit System;

WHEREAS, this Common Council has found, and does hereby find, that as a result of such studies, the public acquisition of the Transit System fulfills the conditions and need for the establishment and maintenance of an urban mass transportation system rendering adequate service, and the same (1) is essential to relieve traffic congestion which would otherwise prevent the rapid and efficient movement of persons and goods in and about such City, thus interfering with the primary functions of the Streets, which would otherwise prevent the rapid and efficient deployment of police cars, fire engines and other emergency equipment, thus jeopardizing the health, safety and welfare of the general public; (2) is necessary to the proper utilization of the factories, stores, warehouses, commercial, professional and governmental offices, schools, recreational facilities and other places where members of the general public congregate; (3) is necessary to the welfare of the general public in that it expands the economic and social opportunities available to the

residents of such City and particularly those who, for economic reasons, reasons of health, reasons of age or demonstrative fitness to operate a motor vehicle, cannot freely move about except through services rendered by an urban mass transportation system; (4) is a substantial factor in maintaining real property valuations in the central business district and in the various industrial and residential districts; and (5) is a substantial factor in furthering the purposes of statutes intended to provide public housing, the redevelopment of blighted areas and publicly owned off-street parking facilities;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council does hereby declare that the public acquisition of the Transit System is in the public interest of the City.

SECTION 2. A public transportation corporation be, and it is hereby, created and formed under and pursuant to the Urban Mass Transportation Act of 1965 (Indiana Acts of 1965, ch. 337) (hereinafter referred to as "Transportation Act"), and such corporation shall be named and known as the "Fort Wayne Public Transportation Corporation" (hereinafter referred to as "Corporation").

SECTION 3. The Corporation shall have and exercise all the rights, powers, authorities and privileges, and shall be subject to and bound by all the duties, responsibilities, limitations and requirements, as provided by the Transportation Act.

SECTION 4. The period of existence of the Corporation shall be perpetual or until terminated in accordance with law.

SECTION 5. The board of directors of the Corporation shall consist of ~~seven~~ ^{FIVE} members, shall be appointed as provided by Section 12 of the Transportation Act, shall be residents of the territory subject to the jurisdiction of the Corporation, and shall have all of the powers, authority and privileges, and shall be subject to all the duties, responsibilities, requirements and limitations, as provided by the Transportation Act.

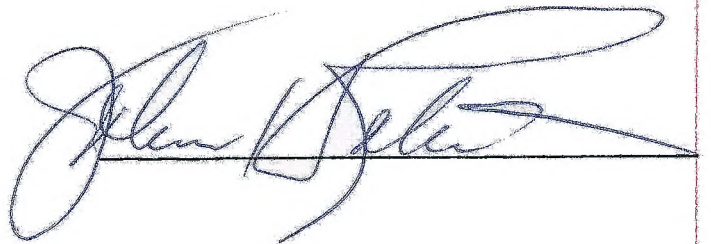
SECTION 6. The territorial boundary of the Corporation shall be a line parallel to and two miles outside of the corporate limits of the City of Fort Wayne. A map showing such boundary shall be prepared and certified by the City Engineer

and available for public inspection in his office, and the City Engineer shall furnish a certified copy thereof to any public official requesting it.

SECTION 7. The board of directors of the Corporation be, and it is hereby, authorized and directed to negotiate with the management of Transit for the purchase of the Transit System by the Corporation.

SECTION 8. The planning of future transit shall be coordinated with other comprehensive planning for the metropolitan area through representation of the Corporation on the appropriate committees of the coordinating board or similar agency representing governments within the metropolitan area. The coordinating board or similar agency shall have only review and advisory powers on transit improvement programs to be implemented by the Corporation.

SECTION 9. This Ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.

A large, stylized handwritten signature in blue ink, appearing to read "John D. Jones", is written over a horizontal line.

APPROVED AS TO FORM
AND LEGALITY

A handwritten signature in blue ink, likely of the City Attorney, is written over the "APPROVED AS TO FORM AND LEGALITY" stamp. Below the signature, the words "CITY ATTORNEY" are printed.

CITY ATTORNEY

BILL NO. G-67-09- 22

GENERAL ORDINANCE NO. G-_____

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WHEREAS, this Common Council has found, and does hereby find, that as a result of such studies, the public acquisition of the Transit System fulfills the conditions and need for the establishment and maintenance of an urban mass transportation system rendering adequate service, and the same (1) is essential to relieve traffic congestion which would otherwise prevent the rapid and efficient movement of persons and goods in and about such City, thus interfering with the primary functions of the streets, which would otherwise prevent the rapid and efficient deployment of police cars, fire engines and other emergency equipment, thus jeopardizing the health, safety and welfare of the general public; (2) is necessary to the proper utilization of the factories, stores, warehouses, commercial, professional and governmental offices, schools, recreational facilities and other places where members of the general public congregate; (3) is necessary to the welfare of the general public in that it expands the economic and social opportunities available to the

residents of such City and particularly those who, for economic reasons, reasons of health, reasons of age or demonstrative fitness to operate a motor vehicle, cannot freely move about except through services rendered by an urban mass transportation system; (4) is a substantial factor in maintaining real property valuations in the central business district and in the various industrial and residential districts; and (5) is a substantial factor in furthering the purposes of statutes intended to provide public housing, the redevelopment of blighted areas and publicly owned off-street parking facilities;

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SECTION 3. The Corporation shall have and exercise all the rights, powers, authorities and privileges, and shall be subject to and bound by all the duties, responsibilities, limitations and requirements, as provided by the Transportation Act.

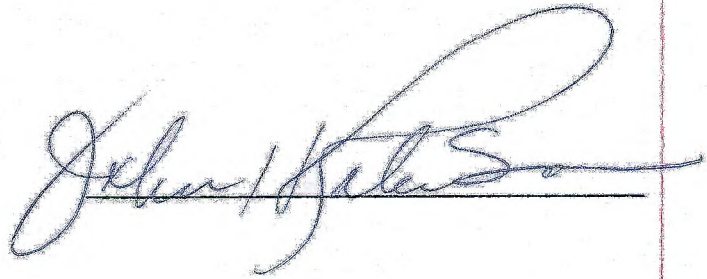
SECTION 4. The period of existence of the Corporation shall be perpetual or until terminated in accordance with law.

SECTION 5. The board of directors of the Corporation shall consist of five members, shall be appointed as provided by Section 12 of the Transportation Act, shall be residents of the territory subject to the jurisdiction of the Corporation, and shall have all of the powers, authority and privileges, and shall be subject to all the duties, responsibilities, requirements and limitations, as provided by the Transportation Act.

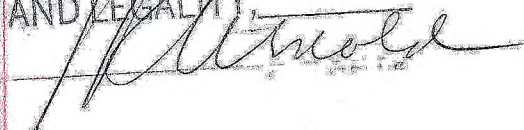
SECTION 6. The territorial boundaries of the Corporation shall be conterminous with those of the City of Fort Wayne and with so much of the suburban territory of such City as is served by the transportation system.

SECTION 7. The board of directors of the Corporation be, and it is hereby, authorized and directed to negotiate with the management of Transit for the purchase of the Transit System by the Corporation.

SECTION 8. This Ordinance shall take effect and be in full force from and after its passage and approval by the Mayor.



APPROVED AS TO FORM
AND LEGALITY



Bill No. G-67-09-22

Amended

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

declaring that public acquisition of the urban mass transportation system of

Fort Wayne Transit, Inc. is in the public interest of the City of Fort Wayne and

providing for the creation of a Public Transportation Corporation, including

specifying the number of its Board of Directors and setting forth its boundaries,

have had said Ordinance under consideration and beg leave to report back to the Common

Council that said Ordinance Do PASS. *as amended*

JOHN H. ROBINSON, Chairman

JACK K. DUNIFON, Vice-Chairman

WILLIAM T. HINGA

JOHN NUCKOLS

PHIL A. STEIGERWALD

[Handwritten signatures of John H. Robinson, Jack K. Dunifon, William T. Hinga, John Nuckols, and Phil A. Steigerwald]

CONCURRED IN

DATE 9-26-67 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Haperson seconded by Kruger and duly adopted, read the second time by title and referred to the (Committee on) Finance (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196____, at _____ o'clock P.M., E.S.T.

Date: 9-12-67 Frank G. Bonahoom
CITY CLERK

Read the third time in full and on motion by _____ seconded by _____ and duly adopted, placed on its passage.
Passed (LOST) by the following vote:

AYES	NAYS	ABSTAINED	ABSENT	to-wit:
Buchanan	_____	_____	_____	_____
Dunifon	_____	_____	_____	_____
Fay	_____	_____	_____	_____
Hinga	_____	_____	_____	_____
Nuckols	_____	_____	_____	_____
Robinson	_____	_____	_____	_____
Rousseau	_____	_____	_____	_____
Steigerwald	_____	_____	_____	_____
Tipton	_____	_____	_____	_____

Date _____
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)~~(General)~~(Annexation)~~(Special)(Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 196____.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 196____ at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 196____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

Read the first time in full and on motion by Robinson seconded by Hinga and duly adopted, read the second time by title and referred to the (Committee on) Finance (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196____, at _____ o'clock P.M., E.S.T.

Date: 9-12-67 _____ CITY CLERK

Read the third time in full and on motion by Steigerwald seconded by Steigerwald and duly adopted, placed on its passage. Passed (~~and~~) by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	____	ABSENT	____	to-wit:
Buchanan	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Dunifon	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Fay	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Hinga	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Nuckols	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Robinson	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Rousseau	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Steigerwald	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	
Tipton	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____	_____	

Date 9-26-67 _____ Frank J. Bonahoom CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~)(General)(~~Annexation~~)(~~Special~~)(~~Appropriation~~) Ordinance (~~Resolution~~) No. 9.107-67 on the 26th day of Sept., 1967.

ATTEST: (SEAL) _____ Frank J. Bonahoom CITY CLERK _____ Charles J. Karsner PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of Sept., 1967 at the hour of 10:00 o'clock A.M., E.S.T. _____ Frank J. Bonahoom CITY CLERK

Approved and signed by me this 27th day of September, 1967, at the hour of 10:17 o'clock A.M., E.S.T. _____ Harold S. Zeis MAYOR

Allen.....County, Ind.

FORT WAYNE, INDIANA.....

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	_____
Head number of lines	_____
Body number of lines	117
Tail number of lines	3
Total number of lines in notice	120

COMPUTATION OF CHARGES

120 lines, _____ columns wide equals _____ equivalent lines at .1924 cents per line	\$ 23.04
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	_____
Charge for extra proofs of publication (50 cents for each proof in excess of two)	_____
TOTAL AMOUNT OF CLAIM	\$ 23.04

DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type 5 1/2 point
Number of insertions 1	Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman
Title ~~SECRETARY-TREASURER~~ Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:
Personally appeared before me, a notary public in and for said county and state, the undersigned MARTHA L. DRAWING A.M. Hostman who, being duly sworn, says that she is SECRETARY-TREASURER Clerk of the NEWS-SENTINEL
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows: June 12, 1968

A. M. Hostman
Subscribed and sworn to before me this 14th day of June 19 68
Edith Stapleton
Notary Public
My commission expires March 8, 1970



I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date June 14, 1968

Title SECRETARY-TREASURER Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned MARTHA D. BRANNING A.M. Hostman who, being duly sworn, says that she is SECRETARY-TREASURER Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

June 12, 1968

A. M. Hostman
Subscribed and sworn to before me this 14th day of June 1968

Elmer Stapleton
Notary Public

My commission expires March 8, 1970

Notice is hereby given that, on the 10th day of June, 1968, at a special meeting of the Fort Wayne Public Transportation Corporation, the following Ordinance was introduced, to-wit:

Bill No. G-68-06-1
GENERAL ORDINANCE NO. G-1-68
AN ORDINANCE authorizing Donald R. Parrish, as President, and Otto Z. Klopsch, as Controller and Chairman of the Finance Committee, to borrow from a Fort Wayne bank or banks the sum of \$650,000.00, and to execute notes, instruments and documents as evidence of such indebtedness or indebtedness, payable not more than twelve months from the date thereof, at the best interest rate or rates available from one or more of the five Federal and State banking institutions in the City of Fort Wayne, all for the purpose of implementing the acquisition and operation of the urban mass transportation system of Fort Wayne Transit, Inc., and, further, authorizing said officers to enter into and execute all necessary contracts, documents and instruments necessary for the acquisition of said urban mass transportation system, at and for a price not to exceed Five Hundred Eighty-Five Thousand Dollars (\$585,000.00).

WHEREAS, by its General Ordinance No. G-107-67, as later amended by its General Ordinance No. G-05-68, the Common Council of the City of Fort Wayne, Indiana, declared that public acquisition of the urban mass transportation system of Fort Wayne Transit, Inc., was in the public interest of the City of Fort Wayne, and provided for the creation of this corporation for the purpose, and,

WHEREAS, this corporation, pursuant to its resolution adopted at its special meeting on the 27th day of May, 1968, through its President, Donald R. Parrish, has executed and filed an application on behalf of this corporation with the United States Department of Housing and Urban Development, to aid in the financing of the acquisition of said urban mass transportation system, and,

WHEREAS, said application will not be processed by the United States Department of Housing and Urban Development, and no Federal funds will be available until after the 1st day of July, 1968, and,

WHEREAS, Fort Wayne Transit, Inc., has expressed its intentions to cease operations on June 15, 1968, making it urgent and necessary that this corporation acquire the said urban mass transportation system on that date, or as soon thereafter as is possible, and,

WHEREAS, this corporation has been in existence since March 1, 1968, and has incurred certain necessary expenses, all without any funds,

NOW, THEREFORE, BE IT ORDAINED BY THE FORT WAYNE PUBLIC TRANSPORTATION CORPORATION:

SECTION 1. The corporation does hereby authorize Donald R. Parrish, as President, and Otto Z. Klopsch, as Controller and Chairman of the Finance Committee, to borrow from a Fort Wayne bank or banks the sum of \$650,000.00, and to execute notes, instruments and documents as evidence of such indebtedness, payable not more than twelve months from the date thereof, at the best interest rate or rates available from one or more of the five Federal and State banking institutions in the City of Fort Wayne, all for the purpose of implementing the acquisition and operation of the urban mass transportation system of Fort Wayne Transit, Inc.

SECTION 2. The corporation does hereby authorize Donald R. Parrish, as President, and Otto Z. Klopsch, as Controller and Chairman of the Finance Committee, to enter into and execute all necessary contracts, documents and instruments necessary for the acquisition of said urban mass transportation system, at and for a price not to exceed Five Hundred Eighty-Five Thousand Dollars (\$585,000.00).

SECTION 3. This Ordinance shall take effect and be in full force from and after its passage and approval by the President.

That, on the 24th day of June, 1968, at a special meeting of Board of the said Fort Wayne Public Transportation Corporation, at Room 102, City Hall, Fort Wayne, Indiana, at 7:00 p.m., E.S.T., hearing will be had thereon, pending final action thereon by the said Board at said meeting.

The proposed draft of the Ordinance is available for public inspection at the temporary office of the Board, being the Office of the City Clerk of the City of Fort Wayne, Indiana, second floor, City Hall.

ATTEST:
Richard N. Allen,
Secretary

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla D. Wald
CLERK

Date June 14, 1968

PUBLISHER'S AFFIDAVIT

State of Indiana }
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

June 12, 1968

Subscribed and sworn to before me this 14th day of June 1968

Edith Stapleton
Notary Public
My commission expires March 8, 1970

Legal Notices

Notice is hereby given that, on the 10th day of June, 1968, at a special meeting of the Fort Wayne Public Transportation Corporation, the following Ordinance was introduced, to-wit:

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SECTION 2. The corporation does hereby authorize Donald R. Parrish, as President, and Otto Z. Klopsch, as Controller and Chairman of the Finance Committee, to enter into and execute all necessary contracts, documents and instruments necessary for the acquisition of said urban mass transportation system, at and for a price not to exceed Five Hundred Eighty-Five Thousand Dollars (\$585,000.00).

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ATTEST:
Richard N. Allen,
Secretary

(SEAL)

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city } of FORT WAYNE, INDIANA
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June 12, 1968

Subscribed and sworn to before me this 14th day of June 1968

Edythe Stapleton
Notary Public

My commission expires March 8, 1970